



10-15-08

Tim

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Srivats, et al.

Serial No.: 10/585,389

Group Art Unit No.: Not Yet Assigned

Filed: July 6, 2006

Attorney Docket No. 04-40395-US

For: **WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING  
SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF DENIAL OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT – OFFICE  
COMMUNICATION NOT RECEIVED**

Sir:

In its petition decision of 15 September, 2008, a copy of which is attached hereto as Exhibit A, the Office rejected Applicant's petition to revive the above identified patent application, without prejudice, asserting that Applicants petition was deficient for failing to provide "the master docket for the firm" as suggested by MPEP § 711.03(c). Applicant respectfully requests reconsideration of this denial.

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 831192007 US

Date of Deposit October 14, 2008

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Cody M. Nye

Signature



## Argument

### *Description of the Issue*

On July 6, 2006, Applicant's counsel filed two patent applications for Applicant. These applications were assigned Serial Numbers 10/585,389 and 10/585,468. On March 4th, 2008, not having received correspondence from the United States Patent and Trademark Office with respect to either file, Applicant's counsel submitted written status requests pursuant to MPEP §203.08, noting that more than 19 months had passed since the filing of the applications, and that no correspondence had been received. Copies of these status requests are attached hereto as Exhibit B.

On May 15, 2008, a Notification of Missing Requirements was received in co-pending application Ser. No. 10/585,468. A copy of this Notice is attached hereto as Exhibit C.

In an undated letter received on June 9, 2008, a response was received to the status request regarding application Ser. No. 10/585,389, stating that a Notice to File Missing Parts had issued on November 13, 2007. A copy of this response is attached hereto as Exhibit D. Applicant's counsel immediately requested a copy of the Notice to File Missing Parts, which was received on June 10, 2008. A copy of this correspondence is attached hereto as Exhibit E. Based on the maximum number of possible extensions, a response would have been due for the Notice on April 13, 2008, six weeks after Applicant's status request, but also 6 weeks before the Office responded to Applicant's status request.

On June 13, 2008, Applicant's counsel submitted a Petition to Withdraw Holding of Abandonment – Office Communication Not Received, a copy of which is attached hereto as Exhibit F. As noted above, on September 15, 2008, the Office rejected this Petition, without prejudice, asserting that Applicant had failed to meet its burden, as it had submitted a docket report showing docketing for the file in question, rather than docketing for all files handled by Applicant's counsel.

1. Rejection of Applicant's Petition was Improper

In its Petition filed on June 13, 2008, four days after receiving notification that the instant application was being abandoned by the Office, Applicant's counsel provided the office with a declaration stating that the office action was not received by Applicant's counsel, that a search of the records and file wrapper associated with the application had been conducted and that no office action was found, and a copy of the docket report for the instant application showing that a status report had been requested on March 4, 2008 in view of the failure of Applicant's counsel to received any communications from the Office, as well as the absence of any docketing entry for the purportedly mailed office action.

In rejecting Applicant's petition, the Office asserts that Applicant failed to meet its burden of demonstrating that it did not receive the purportedly mailed office action, since Applicant's counsel did not include a copy of the master docket for the entire Firm. Applicant's counsel notes that MPEP §711.03 I.A. states that Applicant "should" submit a master docket, not that it is mandatory. Applicant further notes that compliance with the request that Applicant's counsel submit a Master Docket potentially requires Applicant's counsel to disclose docketing information related to applications which are still maintained in confidence by the Office for Applicant's other clients, and thus purportedly requires Applicant's counsel to breach its duty of confidentiality with respect to those other clients.

In view of the clear and large volume of evidence clearly demonstrating that Applicant's counsel did not receive the action purportedly mailed on September 13, 2007, Applicant's counsel believes that the Office mis-applied the standard for the petition to revive, and erroneously seeks to require Applicant's counsel to breach its duty of confidence with respect to Applicant's counsel's other clients, and that the previous dismissal of the petition must therefore be withdrawn.

2. Applicant herein Submits a Master Docket Report

Notwithstanding, Applicant herein further submits as Exhibit G a copy of a docket report from Applicant's law firm, showing all docketed patent responses due for the period of November 12 through November 14, 2007. The Notice to File Missing Parts had a deadline of

November 13, 2007, and as evidenced by the absence of an entry for the notice to File Missing Parts, Applicant did not receive said Notice. Applicant also provides herewith a copy of the outstanding declaration attached hereto as Exhibit H.

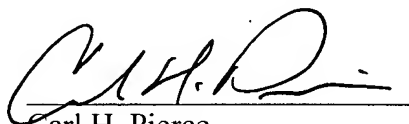
Furthermore, the previously provided docket sheet for the Application at issue documented not only the absence of a docketing entry for the status request to the Patent and Trademark Office sent by Applicant's counsel on March 4, 2008, prior to expiration of the period within which Applicant could have responded to the missing Notice, and accordingly the record clearly demonstrates that the action was not received by Applicant's counsel.

In consideration of these submissions, it is respectfully submitted that the holding of abandonment be withdrawn.

The Commissioner is hereby authorized to charge any fees, which may be required by this paper, to Deposit Account No. 18-0586.

Date: October 14, 2008

Respectfully submitted,



Carl H. Pierce  
Registration No. 45,730  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7970  
Attorney for Applicant

15 SEP 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov



Louis M Heidelberger  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia PA 19103

In re Application of	:	
SRIVATS et al.	:	
Application No.: 10/585,389	:	DECISION
PCT No.: PCT/IN2005/000006	:	
Int. Filing Date: 06 January 2005	:	
Priority Date: 07 January 2004	:	
Attorney's Docket No.: 04-40395-US	:	
For: WHEELS OF UNITARY CONSTRUCTION	:	
AND METHOD OF MAKING SAME	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT-OFFICE COMMUNICATION NOT RECEIVED," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 13 June 2008.

**BACKGROUND**

On 06 January 2005, applicant filed international application PCT/IN2005/000006, which designated the United States and claimed a priority date of 07 January 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 July 2006.

On 06 July 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 June 2008, applicants filed the instant petition under 37 CFR 1.181.

### DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met.

As to item (3), MPEP § 711.03(c), para. I.A. states that a "copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." The docket report provided does not appear to be a master docket for the firm but rather the docket records for the instant application.

### CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 13 September 2007.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty

Application No.: 10/585,389

-3-

Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459



Attorney Docket No. 04-40395-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Srivats, et al.

Serial No.: 10/585,389

Group Art Unit No.: Not Yet Assigned

Filed: July 6, 2006

For: WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING  
SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV831193170US

STATUS LETTER

Sir:

More than 19 months have passed since the filing of the Patent Application on July 6, 2006 and there has been no communication received from the U.S. Patent and Trademark Office.

Accordingly, and in an effort to monitor the status of this application, Applicant respectfully requests to be advised in writing of the current status of the above-identified application at the Office's earliest convenience.

Respectfully submitted,

Nanda P.B.A. Kumar  
Registration No. 44,853  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7991  
Attorney for Applicant

Date: March 4, 2008

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 831193170 US

Date of Deposit March 4, 2008

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Cody M. Nye

Signature





EV 831193170 US

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EXPRESS



EV 831193170 US



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KEEDSMITH LLP  
PO BOX 7990  
PHILADELPHIA PA 19101-7990

04-40395-W Phdels Indica

## TO: (PLEASE PRINT)

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COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450

TS

22313-1450

FOR PICKUP OR TRACKING: Visit [www.usps.com](http://www.usps.com) or Call 1-800-222-1811Pat./Serial No. **10/585,389**

Title: **Wheels of Military Construction and  
Method of Making Same**

App./Patentee **Privats, et al.**Atty. Docket # **04-40395-W**

1) Status Letter

Status Letter

The Patent and Trademark Office acknowledges,  
And has stamped hereon, the date of the receipt of  
The items listed below:

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1<sup>st</sup> Class DateExpress Mail Date **3-4-2008**Label No: **EV 831193170 US**



Attorney Docket No. 04-40396-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Srivats  
Serial No.: 10/585,468 Group Art Unit No.: Not Yet Assigned  
Filed: July 6, 2006  
For: WHEELS OF SINGLE COMPONENT CONSTRUCTION AND METHOD OF MAKING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV831193166US

STATUS LETTER

Sir:

More than 19 months have passed since the filing of the Patent Application on July 6, 2006 and there has been no communication received from the U.S. Patent and Trademark Office.

Accordingly, and in an effort to monitor the status of this application, Applicant respectfully requests to be advised in writing of the current status of the above-identified application at the Office's earliest convenience.

Respectfully submitted,

Date: March 4, 2008

Narda P.B.A. Kumar  
Registration No. 44,853  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7991  
Attorney for Applicant

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 831193166 US

Date of Deposit March 4, 2008

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Name: Cody M. Nye

Signature



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PO ZIP Code <b>19104</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ <b>16.25</b>		Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date Accepted <b>3/4/08</b>	Scheduled Date of Delivery Month <b>3</b> Day <b>15</b> Year <b>08</b>	Return Receipt Fee \$		Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day Year	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$	Insurance Fee \$	Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time Accepted <b>5:27</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military	Total Postage & Fees \$ <b>16.25</b>		Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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FOR PICKUP OR TRACKING: Visit <b>www.usps.com</b> or Call 1-800-222-1811			

Pat./Serial No. 10/585,468
 Pat./Serial No. 10/585,468  
 Title: Wheels of Single Component Construction  
and Method of Making Same  
 Appl./Patentee Invats  
 Atty. Docket # 14-40396-US

1) Show Letter

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/585,468	Ram Srivats	04-40396-US

Louis M. Heidelberger  
Reed Smith  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

INTERNATIONAL APPLICATION NO.	
PCT/IN05/00007	
I.A. FILING DATE	PRIORITY DATE
01/06/2005	01/07/2004

**CONFIRMATION NO. 5915**  
**371 FORMALITIES LETTER**



Date Mailed: 05/15/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/06/2006
- Information Disclosure Statements filed on 07/06/2006
- Oath or Declaration filed on 07/06/2006
- U.S. Basic National Fees filed on 07/06/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CATHERINE D SHORT

---

Telephone: (703) 308-9140 EXT 220



UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 JUN 2008

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Nanda P.B.A. Kumar  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

Dear Mr. Kumar:

This is in response to your communication received 02 June 2008 requesting status of the U.S. national stage application 10/585,389 filed July 6, 2006 from the international application PCT/ES05/00327. The U.S. Designated/Elected Office (DO/EO/US) presently has a 20 - 25 months backlog in processing Notification of Missing Requirements and Filing Receipts for all filed U.S. national stage applications. USPTO records show that a "Notification of Missing Requirements" (Form PCT/DO/EO/905) was mailed 13 September 2007 to the attention of Louis M. Heidelberger. There is no record of a response to the Notification of Missing Requirements received by DO/EO/US.

Mark Ragland  
Paralegal Specialist  
PCT Legal Office

Tel: (571) 272-3295  
Fax: (571) 273-0419

MSR/MR:mr

# PCT HELP DESK

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P.O. BOX 1450  
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# Fax

<b>To:</b> Cody Nye	<b>From:</b> PCT HELP DESK
<b>Fax:</b> 215 851-1420	<b>Date:</b> June 10, 2008
<b>Phone:</b>	<b>Pages:</b> 3
<b>Re:</b> 10/585,389	<b>CC:</b>

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---

**•Comments:**

Cody,

As per your request, please see the following copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) that was mailed September 13, 2007.

Thank you,

Mark Ragland



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/585,389	Ram Srivats	04-40395-US

INTERNATIONAL APPLICATION NO.

PCT/IN05/00006

I.A. FILING DATE

PRIORITY DATE

01/06/2005

01/07/2004

Louis M Heidelberg  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

CONFIRMATION NO. 2991

371 FORMALITIES LETTER



\*OC000000025793352\*

Date Mailed: 09/13/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/06/2006
- Copy of the International Search Report filed on 07/06/2006
- Information Disclosure Statements filed on 04/26/2007
- Oath or Declaration filed on 07/06/2006
- Small Entity Statement filed on 07/06/2006
- U.S. Basic National Fees filed on 07/06/2006
- Specification filed on 07/06/2006
- Claims filed on 07/06/2006
- Abstracts filed on 07/06/2006
- Drawings filed on 07/06/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

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<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/585,389	PCT/IN05/00006	04-40395-US

# ReedSmith

Nanda P.B.A. Kumar  
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Email: nkumar@reedsmith.com

Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
215.851.8100  
Fax 215.851.1420

June 13, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application No. 10/585,389  
Inventors: Srivats *et al.*  
Applicant: Wheels India Limited  
For: Wheels Of Unitary Construction And  
Method Of Making Same  
Docket No. 04-40395-US (884456.20001)

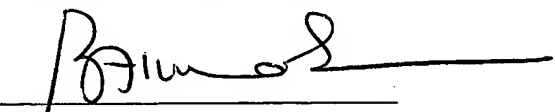
Dear Sir:

Enclosed for filing in connection with the subject application, please find the following documents:

1. Petition to Withdraw Holding of Abandonment – Office Communication Not Received; including Exhibits A through D; and
2. Return Receipt Postage Prepaid Postcard.

The Commissioner is hereby authorized to charge any fees, which may be required by this paper, to Deposit Account No. 18-0586.

Respectfully submitted,

  
Nanda P.B.A. Kumar  
Registration No. 44,853  
Attorney for Applicant

## EXPRESS MAIL CERTIFICATE

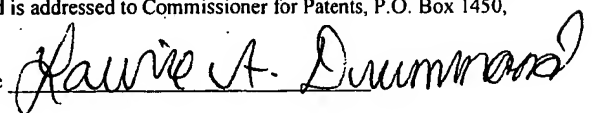
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Date of Deposit June 13, 2008

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Laurie A. Drummond

Signature



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Applicant: Srivats, et al.

Serial No.: 10/585,389

Group Art Unit No.: Not Yet Assigned

Filed: July 6, 2006

Attorney Docket No. 04-40395-US

For: **WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING  
SAME**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV699485365US

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT – OFFICE  
COMMUNICATION NOT RECEIVED**

Sir:

Further to the undersigned Attorney's telephone conversation of today with Officer Daniel Stemmer from the PCT Legal Office, this is a petition to withdraw the holding of abandonment in the above case on the basis that the Notification of Missing Requirements (herein referred to as "the Office Communication" or "this Communication") forming the basis of the abandonment was not received.

I hereby state that the Office Communication indicated, as mailed on September 13, 2007, was not received and that search of the file jacket and the docket records indicates that the Office Communication was not received.

A copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed is attached herewith (Exhibit A). A two month period for reply was set in the non-received Office Communication. The copy of the docket report shows all replies docketed for a date at least two months from September 13, 2007, the mail date of the non-received Office Communication, thereby serving as documentary proof non-receipt of the Office Communication.

As additional evidence of non-receipt of the Office Communication, Applicant also attaches herewith a copy of the Status Letter dated March 4, 2008 (Exhibit B). Applicant


became aware of the existence of the non-received Office Communication only after the receipt of the response letter dated June 4, 2008 from the PCT Legal Office (Exhibit C). Soon after the receipt of the response letter from the PCT Legal Office, a request for the non-received Office Communication was made to and the Office Communication was transmitted by Officer Mark Ragland (Exhibit D).

In consideration of these submissions, it is respectfully submitted that the holding of abandonment be withdrawn.

The Commissioner is hereby authorized to charge any fees, which may be required by this paper, to Deposit Account No. 18-0586.

Respectfully submitted,

Date: June 13, 2008

  
Nanda P.B.A. Kumar  
Registration No. 44,853  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7991  
Attorney for Applicant

**EXPRESS MAIL CERTIFICATE**

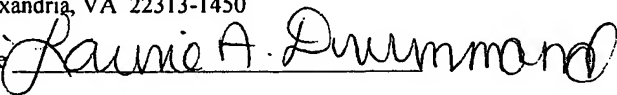
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Date of Deposit June 13, 2008

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Name: Laurie A. Drummond

Signature



# **EXHIBIT A**

YOUR# 04-40395US

PRINTED ON: 06/13/2008

COUNTRY	US	UNITED STATES	TITLE		PRIOR	01/07/2004	
NEW/CON	DCA	SERIAL#	10/585,389	WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING SAME	MAIL	07/06/2006	
RELATED	04-40395WO	PATENT#			FILE	07/06/2006	
TYPE	UTL	STATUS	PENDING		PUBL		
CLIENT	884456	WHEELS INDIA LIMITED	1		CREF	20001	
AGENT	US04	REED SMITH LLP		AREF	20001	1ST	01/06/2005
						EXP	01/06/2025

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PR	Y	PRELIM AMENDMENT	07/06/2006										
PO	N	PUBLISH AS AMENDED	07/06/2006	1M	08/06/2006		08/06/2006	0	07/31/2006	1M	Y	Y	Y
N/A													
PC	N	POST CARD CHECK	07/06/2006	1M	08/06/2006		08/06/2006	0	07/25/2006	0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	07/06/2006	3M	10/06/2006		10/06/2006	0	09/19/2006	1M	Y	Y	Y
PC	N	POST CARD CHECK	09/19/2006	1M	10/19/2006		10/19/2006	0	09/26/2006	0M	Y	Y	Y
CY	N	CLAIM PRIORITY	07/06/2006	4M	11/06/2006		11/06/2006	0	11/14/2006	1M	Y	Y	Y
N/A													
SI	Y	SUPPL IDS W/PTO-1449	11/13/2006										
PC	N	POST CARD CHECK	11/13/2006	1M	12/13/2006		12/13/2006	0	11/20/2006	0M	Y	Y	Y
SI	Y	SUPPL IDS W/PTO-1449	04/26/2007										
PC	N	POST CARD CHECK	04/26/2007	1M	05/26/2007		05/26/2007	0	05/04/2007	0M	Y	Y	Y
	Y	STATUS LETTER	08/29/2007										
PC	N	POST CARD CHECK	08/29/2007	1M	09/29/2007		09/29/2007	0	09/06/2007	0M	Y	Y	Y
AS	Y	ASSIGNMENT	10/02/2007										
NE	Y	NTC OF RECORDATION	10/02/2007										
PC	N	POST CARD CHECK	03/04/2008	1M	04/04/2008		04/04/2008	0	03/10/2008	0M	Y	Y	Y
SI	Y	SUPPL IDS W/PTO-1449	06/09/2008										
PC	N	POST CARD CHECK	06/09/2008	1M	07/09/2008		07/09/2008	0		0M	Y	Y	Y
SC	N	STATUS CHECK	07/06/2006	25M	08/06/2008		08/06/2008	0		1M	Y	Y	Y
CMN FILED STATUS LTR ON 3/4/08													
FS	N	FILG RCPT STATUS CHK	07/06/2006	25M	08/06/2008		08/06/2008	0		0M	Y	Y	Y

## INVENTORS

RAM SRIVATS

JAYARAM S.

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
04-40395WO	WO	PCT/IN05/00006	01/06/2005	WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING SAME	APPL

USER-DEFINABLE FIELDS		PATENT FIELDS			
REEL	019907	SMALL ENTITY	Yes	PUBL #	
FRAME	0612	IND CLAIMS		ART UNIT	
PUBL#		TOTAL CLAIMS		CONFIRM#	
				EXAMINER	

P01688US00 ENTERED 07/07/2006 MODIFIED 06/09/2008 3 BY HR ATTORNEYS CHP / NK / CMN

# **EXHIBIT B**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Srivats, et al.

Serial No.: 10/585,389

Group Art Unit No.: Not Yet Assigned

Filed: July 6, 2006

For: WHEELS OF UNITARY CONSTRUCTION AND METHOD OF MAKING  
SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV831193170US

STATUS LETTER

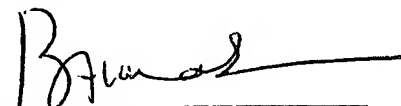
Sir:

More than 19 months have passed since the filing of the Patent Application on July 6, 2006 and there has been no communication received from the U.S. Patent and Trademark Office.

Accordingly, and in an effort to monitor the status of this application, Applicant respectfully requests to be advised in writing of the current status of the above-identified application at the Office's earliest convenience.

Respectfully submitted,

Date: March 4, 2008

  
Nanda P.B.A. Kumar  
Registration No. 44,853  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7991  
Attorney for Applicant

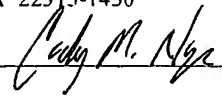
EXPRESS MAIL CERTIFICATE

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Date of Deposit March 4, 2008

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Name: Cody M. Nye

Signature 



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Label 11-F, April 2004



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PO ZIP Code <b>19104</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day
Date Accepted <b>3/4/08</b>	Scheduled Date of Delivery <b>3/5/08</b>
Mo. Day Year <b>3/4/08</b>	Month Day <b>3/5</b>
Time Accepted <b>5:28</b>	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM
Flat Rate <input checked="" type="checkbox"/> Weight <input type="checkbox"/>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
Int'l Alpha Country Code	Acceptance Emp. Initials <b>DM</b>
Postage \$ <b>16.25</b>	Return Receipt Fee \$
COD Fee \$	Insurance Fee \$
Total Postage & Fees \$ <b>16.25</b>	

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Mo. Day	Employee Signature
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Mo. Day	Employee Signature
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Employee Signature
<input type="checkbox"/> <b>WAVES OF SIGNATURE (Domestic Mail Only)</b> Additional merchandise insurance is void if waiver of signature is requested. With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
<input type="checkbox"/> <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	
Customer Signature	

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FROM: (PLEASE PRINT)	PHONE ( )
<b>INTELLECTUAL PROPERTIES NEEDSMITH LLP PO BOX 7990 PHILADELPHIA PA 19101-7990</b> <b>04-40395-US</b> <i>Wheels Inven</i>	

TO: (PLEASE PRINT)	PHONE ( )
<b>COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450</b>	

**TS**  
**22313-1450**

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Pat./Serial No. 10/585,389  
 Title: Wheels of Military Construction and Method of Making Same  
 Appl./Patentee Invets. et al.  
 Atty. Docket # 04-40395-US

*1) Status Letter*



The Patent and Trademark Office acknowledges, And has stamped hereon, the date of the receipt of The items listed below:

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1<sup>st</sup> Class Date \_\_\_\_\_

Express Mail Date 3-4-2008

Label No: EV 831193170 US

# **EXHIBIT C**



UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 JUN 2008

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Nanda P.B.A. Kumar  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

Dear Mr. Kumar:

This is in response to your communication received 02 June 2008 requesting status of the U.S. national stage application 10/585,389 filed July 6, 2006 from the international application PCT/ES05/00327. The U.S. Designated/Elected Office (DO/EO/US) presently has a 20 - 25 months backlog in processing Notification of Missing Requirements and Filing Receipts for all filed U.S. national stage applications. USPTO records show that a "Notification of Missing Requirements" (Form PCT/DO/EO/905) was mailed 13 September 2007 to the attention of Louis M. Heidelberger. There is no record of a response to the Notification of Missing Requirements received by DO/EO/US.

Mark Ragland  
Paralegal Specialist  
PCT Legal Office

Tel: (571) 272-3295  
Fax: (571) 273-0419

MSR/MR:mr

# **EXHIBIT D**

## PCT HELP DESK

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
Phone: 703-305-3257  
Fax: 571-273-0419

# Fax

<b>To:</b> Cody Nye	<b>From:</b> PCT HELP DESK
<b>Fax:</b> 215 851-1420	<b>Date:</b> June 10, 2008
<b>Phone:</b>	<b>Pages:</b> 3
<b>Re:</b> 10/585,389	<b>CC:</b>

☐ Urgent   ☐ For Review   ☐ Please Comment   ☐ Please Reply   ☐ Please Recycle

•Comments:

Cody,

As per your request, please see the following copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) that was mailed September 13, 2007.

Thank you,

Mark Ragland



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/585,389	Ram Srivats	04-40395-US

INTERNATIONAL APPLICATION NO.

PCT/IN05/00006

I.A. FILING DATE	PRIORITY DATE
01/06/2005	01/07/2004

Louis M Heidelberg  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

CONFIRMATION NO. 2991

371 FORMALITIES LETTER



\*OC000000026793352\*

Date Mailed: 09/13/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/06/2006
- Copy of the International Search Report filed on 07/06/2006
- Information Disclosure Statements filed on 04/26/2007
- Oath or Declaration filed on 07/06/2006
- Small Entity Statement filed on 07/06/2006
- U.S. Basic National Fees filed on 07/06/2006
- Specification filed on 07/06/2006
- Claims filed on 07/06/2006
- Abstracts filed on 07/06/2006
- Drawings filed on 07/06/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/585,389	PCT/IN05/00006	04-40395-US

FORM PCT/DO/EO/905 (371 Formalities Notice)



Pat./Serial No. 00/585,389

Pat./Serial No. 10/585,389

Title: Wheels of Unitary Construction  
And Method of Making Same

Appl./Patentee Strivats, et al

Atty. Docket # 04-40395-US  
(884456, 2000)

The Patent and Trademark Office acknowledges,  
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- return postcard  
- Petition w/ exhibits  
A, B, C, D

action  
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including:  
transmittal letter  
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A, B, C, D



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Label 11-F, April 2004



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Date Accepted <u>6 18 08</u> Mo. Day Year	Scheduled Date of Delivery Month <u>6</u> Day <u>16</u>	Return Receipt Fee \$ -	
Time Accepted <u>9:13</u> AM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$ -	Insurance Fee \$ -
Flat Rate <input type="checkbox"/> or Weight <u>1.3</u> lbs.	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ <u>16.50</u>	
Int'l Alpha Country Code		Acceptance Emp. Initials <u>WF</u>	

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Delivery Date	Time	Employee Signature	
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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
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04-40395-US (aurie A.  
(884456, 2000) Drummond  
005055)

Federal Agency Acct. No. or  
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Employee Signature

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PATENTS  
VA 22313-1450



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# PATENT USER ACTION REPORT BY DUE DATE

FROM: 11/12/2008  
THROUGH: 11/14/2008  
STATUS: ACTIVE

Printed: 10/06/2008 Page 1

REFERENCE#	MARK/TITLE	COUNTRY	ACTION	ORIGINAL DUE DT	FINAL RESPONSE	ATTY1 / ATTY2 PARA
01-40007HK	INHIBITION OF PATHOLOGICAL ANGIOGENESIS IN VIVO	HK	REQUEST REGISTRATIO	11/12/2008	11/12/2008	WJM/TJY/CMN
01-40165USC	PHYSIOLOGICAL METHOD OF IMPROVING VISION	US	APPEAL BRIEF	11/12/2008	04/12/2009	NK/JP/LAD
05-40116US	A GRATE FOR EFFICIENTLY BURNING FUEL	US	RESPONSE TO OA	11/12/2008	02/12/2009	CHP/JAP/CMN
06-40060JP	PREVENTION AND TREATMENT OF CANCER AND OTHER DISEASES	JP	TRANSLATIONS	11/12/2008	11/12/2008	NK/JP/LAD
06-40119US	RENEWABLE ENERGY RESOURCES	US	STATUS CHECK	11/12/2008	11/12/2008	CHP/JM/LAD
07-40161WO	UNIVERSAL EXERCISE MACHINE	WO	AMENDMENT OF CLAIMS	11/12/2008	11/12/2008	CHP/MFH/LAD
08-40195US	USE OF METHIMAZOLE DERIVATIVES AND TAUTOMERIC CYCLIC THIONES FOR THE TREATMENT OF AUTOIMMUNE/INFLAMMATORY DISEASES ASSOCIATED WITH TOLL-LIKE RECEPTOR OVEREXPRESSION	US	STATUS CHECK	11/12/2008	11/12/2008	MFH/JP/CMN
01-40165CA	PHYSIOLOGICAL METHOD OF IMPROVING VISION	CA	RESPONSE TO OA	11/13/2008	11/13/2008	NK/JP/LAD
04-40124US	METHOD AND SYSTEM FOR FACILITATING NETWORK TROUBLESHOOTING	US	STATUS CHECK	11/13/2008	11/13/2008	CHP/JM/LAD
07-40010USP1	A REACTOR SYSTEM FOR REDUCING NOx EMISSIONS FROM BOILERS	US	PUBLICATION	11/13/2008	11/13/2008	MFH/JP/CMN
00-40268CA	METHODS FOR TREATING VARIOUS EYE DISORDERS	CA	RESPONSE DUE	11/14/2008	11/14/2008	NK/JP/LAD
03-40102HK	DELIVERY SYSTEM FOR TOPICAL MEDICATIONS	HK	REQUEST REGISTRATIO	11/14/2008	11/14/2008	MFH/JP/LAD
06-40060JP	PREVENTION AND TREATMENT OF CANCER AND OTHER DISEASES	JP	PRIORITY DOCUMENT	11/14/2008	11/14/2008	NK/JP/LAD
07-40088US	ADVANCED INTEGRATED DATA ENVIRONMENT	US	INF DISCLOSURE STMT	11/14/2008	11/14/2008	CHP/JM/CMN
08-40140US	CONTINUOUS METHOD AND SYSTEM FOR PRODUCING WET CURED HAM	US	RESPONSE TO OA	11/14/2008	02/14/2009	CHP/JP/CMN
97-40264NO	CONTINUOUS MAGNETIC SEPARATION OF COMPONENTS FROM A MIXTURE	NO	WORKING	11/14/2008	11/14/2008	MFH/JP/CMN
IBM-7137126US	CONVERSATIONAL COMPUTING VIA CONVERSATIONAL VIRTUAL MACHINE	US	BROADENED REISSUE D	11/14/2008	11/14/2008	MFH/JP/CMN

END OF REPORT

TOTAL ITEMS SELECTED = 17